

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**WESTCHESTER FIRE INSURANCE
COMPANY,**

Plaintiff,

vs.

**EDGE ELECTRIC, LLC, TROY LITTLE,
and PATRICIA STROUD,**

Defendants.

8:22CV170

ORDER

This matter comes before the Court after review of Plaintiff's Status Report ([Filing No. 50](#)) filed on June 12, 2024, per the Court's Order ([Filing No. 49](#)) dated May 13, 2024. In the Court's prior Order, it outlined concerns regarding whether the defendant, Troy Little, had received notice of these proceedings, including Plaintiff's petition for contempt. Therefore, the Court directed Plaintiff to "file a certificate of service demonstrating service of its petition for contempt upon Mr. Little in a manner acceptable under Rule 4(e) of the Federal Rules of Civil Procedure."

Plaintiff's Status Report outlines its diligent efforts to locate and provide Mr. Little with notice of the petition for contempt. On May 14, 2024, Plaintiff hired Advanced Process Service ("APS") to effect service on Mr. Little. On May 16, Alan Gustafson ("Mr. Gustafson") of APS attempted to serve Mr. Little at 1740 12th Street, Gering, Nebraska 69341, the address where Mr. Little was last served. Mr. Gustafson was informed by Wilbur Veliz and Pelayo Veliz (the "Vilizes") that they have lived at that residence since July 2023,¹ and believe Mr. Little "lives out of the country."

On May 17, 2024, Mr. Gustafson searched the Department of Motor Vehicles registration records, which showed that a 2020 White Chevrolet Silverado was registered to Mr. Little as of February 9, 2024, at 70037 Johnson Drive, Minatare, Nebraska 69356 ("the Johnson Dr.

¹ Per an email sent to plaintiff's counsel dated July 17, 2023, Shaylee Little, Mr. Little's ex-wife, informed plaintiff's counsel that she and Mr. Little are divorced, he does not live with her, that she was closing on the sale of the 12th Street address in Gering, and that she delivered the documents to Mr. Little at his parents' address, which she provided to plaintiff's counsel. Ms. Little also directed plaintiff's counsel to use Mr. Little's "farm address" at 70037 Johnson Drive, Minatare, Nebraska 69356. ([Filing No. 50-1](#)).

property"). On May 17, 2024, Mr. Gustafson attempted service at the Johnson Dr. property, but there was a pad-locked gate at the entrance preventing Mr. Gustafson from entering the property.

On May 24, 2024, Plaintiff emailed a copy of the Petition to Mr. Little's last known email address: edgeelectricllc@gmail.com, and emailed a copy to Mr. Little's wife at her last known email address: shayleejobman28@gmail.com. On the same date, Plaintiff mailed a copy of the Petition via Certified U.S. Mail to Mr. Little at four (4) addresses identified as current and/or former known residences, and to a fifth address on May 28, 2024.

On May 29, 2024, at 6:08 p.m., Mr. Gustafson attempted service at Mr. Little's girlfriend's house, where Plaintiff understands Mr. Little may reside, at 3615 Maple Drive, Scottsbluff, NE 69361, but it did not appear anyone was home. Mr. Gustafson made a second attempt at 7:00 p.m., but again no one appeared to be home. During a third attempt on May 30, Mr. Gustafson heard dogs barking and saw a white Lincoln Aviator with License Plate #65A62 parked in the front of the property, but no one answered the door. Mr. Gustafson made a fourth attempt on May 31, a fifth attempt on June 3, and a sixth attempt on June 4 at 6:23 p.m., but no person answered the door on any of those attempts. On Mr. Gustafon's seventh attempt on June 4 at 6:28 p.m., a blond-haired woman answered the door and appeared to be "playing dumb," but stated she was a friend of Mr. Little. Mr. Gustafson gave her his business card and asked her to have Mr. Little call him.

On June 6, 2024, Mr. Gustafson attempted service at the Johnson Dr. property, but the property gate was again locked. On the same date, Mr. Gustafson attempted service at Mr. Little's parents' house at 418 2nd Avenue, Bayard, NE 69334. Mr. Gustafson spoke with Paulette Little, Mr. Little's mother. She seemed "very protective" of Mr. Little and told Mr. Gustafson that Mr. Little did not live there. Plaintiff states that, "[d]espite numerous attempts to serve Mr. Little, Plaintiff has been thwarted by Mr. Little's locked gate, changing residences, and lack of cooperation and deception by Mr. Little's friends and family." As such, Plaintiff requests permission to serve Mr. Little with the petition for contempt by publication pursuant to Fed. R. Civ. P. 4(e) and [Neb. Rev. Stat. § 25-517.02](#). ([Filing No. 50 at pp. 1-5](#)).

Upon the review of Plaintiff's supporting documentation at [Filing No. 50](#), the Court finds Plaintiff has demonstrated that service of the petition for contempt upon Mr. Little cannot be made with reasonable diligence by other methods. Therefore, the Court will permit Plaintiff to serve Mr. Little with the petition for contempt by publication in the manner and form provided by statute. See [Neb. Rev. Stat. § 25-517.02](#); Fed. R. Civ. P. [4\(e\)\(1\)](#). Accordingly,

IT IS ORDERED: Plaintiff's request to serve Troy Little by publication is granted, and that service of Plaintiff's Petition for Contempt may be made by publication in the manner and form provided by the statutes of the State of Nebraska. Plaintiff shall file a further status report regarding service on or before **July 26, 2024**.

Dated this 14th day of June, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge